

1. Beech Tree Broadcasting Company, licensee of Radio Station WLMI (FM), Kane, Pennsylvania, wishes to address Point 8 ("Steps Taken to Minimize Significant Impact on Small Entities...") of the Appendix A: Initial Regulatory Flexibility Analysis, on Page 10 of the NPRM dated July 7, 2004, having to do with broadcasters' retention of records of their programming.

2. Radio Station WLMI (FM) is an owner-operated free-standing station in a small community (population 4,200), representative of a class of many small stations in communities around the country. The President and General Manager resides within the community of license, functions as Program and News Director, hosts the morning program and covers news events such as the Borough Council and School Board meetings. The Vice President and Business Manager is the spouse of the President/General Manager, and is a member of several community organizations. Between them, they own 88 percent of the stock of Beech Tree Broadcasting Co., a Subchapter S corporation.

3. Other than the two owner/managers cited above, the station's staff is made up of two full-time employees (a salesman/sports director, and an announcer-production person), and three part-time employees (two salespeople and a high-school weekender). All are subject to daily supervision by the two owner/managers. The three most senior non-management employees have sixteen, twelve and twelve years service, respectively.

4. Beech Tree Broadcasting Co. asserts as self-evident that the issue of indecency is most often found in the class of stations where an absent owner applies strong pressure for ratings and revenue increases, while failing to provide sufficient guidance and supervisory monitoring. The class of radio station represented by WLMI (FM) is far removed -- in many ways -- from the class alluded to in the previous sentence. Resident owner-operators are more accessible to members of the community, and are held closely accountable for any act which displeases community members. Moreover, because the person on the air frequently has an ownership interest in the station licensee, the notion of indecency is unlikely to arise. Put simply, small, owner-operated stations are just not part of the problem.

5. If small, owner-operated stations are not part of the problem being addressed by the NPRM, an appropriate remedy may safely omit this class of stations.